

**REMARKS**

Claims 1-15 and 26-50 stand cancelled. Claims 16-18, 20-22, 24-25, and 51-52 have been amended. No new matter has been added by virtue of these amendments; support therefor being found throughout the specification and in the original claims of the application.

**Rejection Under 35 USC §112, second paragraph**

Claims 16-25 and 51-53 stand rejected under 35 USC §112, second paragraph, for recitation of certain terms and phrases.

First, objection is taken with the term “derivitising” as recited in the noted claims. Applicant respectfully submits that the term “derivatising” is abundantly clear and definite in the context of claim 16 when read in view of the supporting specification, as is proper. The claim clearly defines the limits of the term “derivatising” as a reaction that is “with one or more compounds capable of reacting at the primary amine group of the aminoalkyl moiety  $-(\text{CH}_2)_n-\text{NH}_2$ , to form a compound of general formula I.” As such, one skilled in the art would readily understand that on the basis of one of the reactants, Compound II, and the product, Compound I, what reactions will produce the desired product.

Further, it would be abundantly clear to one skilled in the art, that the term “derivatising” does not refer to mixing, simply on the basis of standard nomenclature. Still further, the term “derivatising” is understood in claim 16 as a process that occurs when compounds that are capable of reacting with one another are used to form the desired compound.

Analogous arguments can be made for the usage of the term “derivatised” in claims 17, 18, 20 and 21. Nonetheless, in order to expedite allowance of the application, Applicant has amended claims 16-18 and 20-21 to replace the term “derivatising” with “reacting” wherever present.

As claims 19, 22-25 and 51-53 do not recite "derivatised" or "derivatising", the rejection of these claims should be overcome by the amendments to the noted claims from which they depend.

Claim 16 stands under 35 USC §112, second paragraph, for its recitation of the phrase "one or more compounds capable of reaction with". Accordingly, Applicant has amended to claim to clarify that feature of the invention to recite "a compound capable of reaction with".

The Office Action indicates that claims 17-25 and 51-53 stand rejected as being dependent on claim 16. The amendment to claim 16 is believed to obviate rejection of these claims.

Claim 51 stands rejected under 35 USC §112, second paragraph, for its recitation of "each of R<sup>1</sup> and R<sup>2</sup> represents a C<sub>1-6</sub> alkyl; R<sup>1</sup> and R<sup>2</sup> are the same as each other" (and a similar recitation for R<sup>7</sup> and R<sup>8</sup>).

Applicant has amended claim 51 to clarify these aspects of the invention. For instance, the claim now recites that "each of R<sup>1</sup> and R<sup>2</sup> independently represent a C<sub>1-6</sub> alkyl. The latter phrase "R<sup>1</sup> and R<sup>2</sup> are the same as each other" has been stricken. Similar amendments were made relative to the recitation for R<sup>7</sup> and R<sup>8</sup>.

Applicant respectfully submits that the within amendments obviate each of the rejections under 35 USC §112, second paragraph. Withdrawal of the rejections is therefore requested.

#### **Rejection Under 35 USC §112, first paragraph**

Claims 16-25, 51 and 52 stand rejected under USC 35 §112, on the grounds of enablement. The Office Action expressly acknowledges that the specification is

enabling for a process of making compounds of formula I wherein X is CR<sup>3</sup>R<sup>4</sup>. However the position is taken that enablement is lacking for those embodiments wherein X is OCH<sub>2</sub>.

In order to expedite allowance of the present application, claim 16 has been amended to limit X to CR<sup>3</sup>R<sup>4</sup>. Such amendment is submitted without prejudice or disclaimer and the right to pursue further prosecution of the cancelled subject-matter is reserved.

Applicant respectfully submits that the within amendments obviate each of the rejections under 35 USC §112, first paragraph. Withdrawal of the rejections is therefore requested.

In view of the above arguments and the within amendments, Applicant believes the pending application is in condition for immediate allowance, which action is earnestly solicited.

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Respectfully submitted,

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